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9 **UNITED STATES DISTRICT COURT**  
10 **FOR THE EASTERN DISTRICT OF WASHINGTON**

11 **Pitman F Stratton, and**  
12 **Angela A Stratton,**

13 Plaintiffs,

14 v.

15 **Armada Corp,**

16 Defendant.

**NO. CV-11-5084-LRS**

**COMPLAINT FOR VIOLATIONS OF  
THE FAIR DEBT COLLECTION  
PRACTICES ACT, THE  
WASHINGTON COLLECTION  
AGENCY ACT THE WASHINGTON  
CONSUMER PROTECTION ACT  
AND THE FAIR CREDIT  
REPORTING ACT**

17  
18 The plaintiffs allege as follows:

- 19 1. The court has jurisdiction over the subject matter and parties herein. Plaintiffs  
20 resides in Franklin County Washington withing the territorial jurisdiction of this  
21 court. The defendant attempted to collect a debt in Franklin County thereby  
22 subjecting themselves to the jurisdiction of Washington state and federal courts.  
23  
24 Subject matter jurisdiction of this Court is conferred by 15 U. S. C. §§ 1692k and  
25 1681p, and 28 U.S.C. §§ 1331 and 1337. Jurisdiction for the pendent claim is  
26



1 also allowed by Fed. R. Civ. Proc. 18(a).

2 2. Each Plaintiff is a "consumer" as defined by the FDCPA, 15 U.S.C. § 1692a(3).

3 3. Each Plaintiff is a "consumer" as defined by the FDCRA, 15 U.S.C. § 1681a(c).

4 4. Defendant was attempting to collect a "debt" as defined by FDCPA, 15 USC §  
5 1692a(5). The alleged debt was an obligation or alleged obligation of the Plaintiff  
6 to pay money arising out of a transaction primarily for personal, family, or  
7 household purposes. Defendant was attempting to collect a claim as defined by  
8 RCW 19.16.100(5).  
9

10 5. Defendant is an "collection agency" as defined by the WCAA, RCW 19.16.100.  
11 Defendant is a business entity which does business in the state of Washington  
12 within the territorial jurisdiction of this court. Defendant engages in the  
13 collection of debts which were originally due to another by using the phone and  
14 mail and other means.  
15

16 6. Defendant provides and uses information from National Consumer Reporting  
17 Agencies (CRA). Defendant's action with respect to its credit reporting activities  
18 are governed by the Fair Credit Reporting Act.  
19

20 7. In the course of collecting the alleged debt from the plaintiff, defendant used  
21 unfair and deceptive, and unlawful means in violation of the Washington  
22 Collection Agency Act, including but not limited to the following:  
23

24 a. by failing to indicate any one or more of the following while collecting a  
25  
26  
27



debt:

- i. the amount owing on the original obligation at the time it was received by the licensee for collection or by assignment;
- ii. interest or service charge, collection costs, or late payment charges, if any, added to the original obligation by the original creditor, customer or assignor before it was received by the licensee for collection;
- iii. Interest or service charge, if any, added by the licensee or customer or assignor after the obligation was received by the licensee for collection;
- iv. Collection costs, if any, that the licensee is attempting to collect;
- v. Attorneys' fees, if any, that the licensee is attempting to collect on his or its behalf or on the behalf of a customer or assignor;
- vi. Any other charge or fee that the licensee is attempting to collect on his or its own behalf or on the behalf of a customer or assignor, all contrary to RCW 19.16.250(8);

- b. by collection or attempting to collect an unlawful amount in violation of RCW 19.16.250(18, 19).

8. The forgoing conduct violates the prohibited conduct section of RCW 19.16.250.

9. The defendants' actions are per se unfair and deceptive acts taken in the course of



business pursuant to RCW 19.16.440.

10. The defendants' actions caused injury to the plaintiff's property.

11. The Plaintiff is entitled to treble damages pursuant to the Washington Consumer Protection Act at the discretion of the court, and all remedies pursuant to the Washington Collection Agency Act.

12. The Defendant also violated the Fair Debt Collection Practices Act by engaging in the following activities:

a) The Defendant demanded a greater amount than was legally owed at the time the demand was made.

b) The Defendant made false statements to the CRA's with respect to any alleged debt owed by the Plaintiffs.

13. The Defendant violated the Fair Credit Reporting Act by making an unauthorized inquiry to access the Plaintiffs' respective consumer reports.

WHEREFORE, the plaintiffs pray to the court for the following relief:

1. This court enter a money judgment in favor of the Plaintiffs and against the Defendants jointly and severally for general damages for stress, aggravation and other emotional damages of \$5,000.00;

2. This court enter a money judgment in favor of the plaintiff and against the Defendants jointly and severally for statutory treble damages under the Consumer Protection Act of \$15,000.00;



3. This court enter a money judgment in favor of the plaintiffs and against the Defendant in the amount proven by the evidence for damages for out of pocket expenses;

4. This court enter a money judgment in favor of the plaintiffs and against the Defendant in the amount of the attorney fees and costs of bringing this action;

5. This court enter a money judgment in favor of each plaintiff and against the defendant in the amount of \$1,000.00 for each plaintiff for statutory damages under the Fair Debt Collection Practices Act;

6. This court enter a money judgment in favor of each plaintiff and against the defendant in the amount of \$1,000.00 for each plaintiff for statutory damages under the Fair Debt Credit Reporting Act;

7. This court enter a declaratory judgment in favor of the plaintiffs and against the Defendant declaring that the defendants violated the Washington Collection Agency Act and that no party may collect any interest, attorney fees, costs or anything except principal which may be due on the alleged debt if one exists pursuant to RCW 19.16.450; and

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8. Any other relief which the court deems just and equitable.

*May 16, 2011*

*/s/ Timothy W. Durkop*

Dated: \_\_\_\_\_

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### JURY DEMAND

Plaintiffs demand trial by jury.

*May 16, 2011*

*/s/ Timothy W. Durkop*

Dated: \_\_\_\_\_

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